

FILED

2012 DEC 11 PM 3:08

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY _____

Jeffrey G. Sheldon (SBN 67516)
jgsheldon@usip.com
William D. Bowen (SBN 254398)
william.bowen@usip.com
SHELDON MAK & ANDERSON PC
100 East Corson Street, Third Floor
Pasadena, California 91103-3842
Telephone: (626) 796-4000
Facsimile: (626) 795-6321

Attorneys for Plaintiff
NEW MILANI GROUP, INC.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NEW MILANI GROUP, INC, a
California corporation

Plaintiff,

v.

J.T. BELLA, LLC, a New York limited
liability company, and DOES 1-10,
Inclusive,

Defendants.

Case No.

CV 12-10612 - mmm
(FFMx)

COMPLAINT FOR DAMAGES
AND INJUNCTION FOR:

1. TRADEMARK INFRINGEMENT
2. FALSE DESIGNATION OF ORIGIN
3. FEDERAL DILUTION BY BLURRING
4. STATE INJURY TO BUSINESS REPUTATION AND DILUTION
5. COMMON LAW TRADEMARK INFRINGEMENT
6. STATUTORY UNFAIR COMPETITION
7. COMMON LAW UNFAIR COMPETITION

REQUEST FOR JURY TRIAL

1 Plaintiff New Milani Group, Inc., by its attorneys, Sheldon Mak &
2 Anderson, alleges as follows:

3
4 **JURISDICTION AND VENUE**

5 1. The court has original jurisdiction of this action under 15 U.S.C. §§
6 1119, 1121 and 28 U.S.C. §§ 1331, 1338(a) and 1338(b), and 2201 in that this case
7 arises under the Trademark Laws of the United States, 15 U.S.C. § 1051, *et seq.*,
8 seeks an order cancelling registrations, and seeks a declaration of rights. This
9 court has supplemental jurisdiction over Plaintiff's non-federal claims under 28
10 U.S.C. § 1367 in that those claims are so related to Plaintiff's federal claims that
11 they form part of the same case or controversy.

12 2. Venue in this district is proper under 28 U.S.C. § 1391(b) in that a
13 substantial part of the events giving rise to the within claims occurred in this
14 judicial district.

15
16 **THE PARTIES**

17 3. Plaintiff New Milani Group, Inc. ("New Milani") is a California
18 corporation, with a principal place of business at 2111 East 49th Street, Los
19 Angeles, California 90058, and is the owner of the registered mark "MILANI"
20 ("MILANI Mark") as described herein.

21 4. Defendant J.T. Bella, LLC ("JT Bella") is, on information and belief,
22 a limited liability company organized under the laws of New York with a principal
23 place of business in Farmingdale, New York.

24 5. Plaintiff is informed and believes and based thereon alleges that
25 Defendants are doing business in the Central District of California such as by
26 having a distributor relationship with at least one manufacturer located in the
27 Central District and through its web site having product available to consumers in
28 the Central District.

1 6. The true names and capacities of the Defendants named herein as
2 DOES 1 through 10, whether individual, corporate, associate, or otherwise, are
3 unknown to Plaintiff, who therefore sues said Defendants by said fictitious names.
4 Plaintiff is informed and believes, and thereon alleges, that each of the Defendants
5 designated herein as DOE is legally responsible for the events and happenings
6 hereinafter alleged and legally caused injury and damages proximately thereby to
7 Plaintiff as alleged herein. Plaintiff will seek leave to amend the Complaint when
8 the true names and capacities of said DOE Defendants have been ascertained. JT
9 Bella, and DOES 1 through 10 are hereinafter collectively referred to as
10 “Defendants.”

11 7. Plaintiff is informed and believes, and on that basis alleges, that each
12 of the Defendants participated in and is in some manner responsible for the acts
13 described in this Complaint and any damages resulting therefrom.
14

15 **THE PLAINTIFF’S TRADEMARK**

16 8. Plaintiff New Milani is a family owned and operated corporation that
17 has grown to become one of the leading cosmetic brands in the United States
18 marketplace. Plaintiff sells cosmetics under the MILANI Mark to CVS, WalMart,
19 and other leading retailers.

20 9. Plaintiff New Milani is the owner of the MILANI Mark. New Milani
21 or its predecessors commenced using the MILANI Mark in commerce in the
22 United States at least as early as January 28, 1993 in connection with the sale and
23 offer for sale of cosmetics. New Milani and/or its predecessors has used the
24 MILANI Mark in connection with such goods continuously from the time it
25 adopted it until the present.

26 10. The MILANI Mark is the subject of U.S. Trademark Registration No.
27 3,641,687 (“the “687 Registration”). A true and correct copy of the registration is
28 attached as Exhibit “A” hereto. The ‘687 registration was issued by the United

1 States Patent and Trademark Office (“PTO”) on June 23, 2009 for use in
2 connection with cosmetics.

3 11. At all times relevant to the acts complained of herein, New Milani has
4 used the MILANI Mark to identify its goods and to distinguish them from the
5 goods and services made and sold or offered by others by, among other things,
6 prominently displaying the mark on its products, on its internet website and on
7 advertising materials promoting its goods. Since shortly after the date of
8 registration, New Milani has given notice that the Mark is registered in the USPTO
9 by displaying the Mark as used with the letter R enclosed within a circle.

10 12. The presence of the MILANI Mark on New Milani’s goods, on its
11 website and on advertising for New Milani’s goods indicates to the public that
12 goods and services provided under the MILANI Mark originate with, or are
13 provided by, New Milani. Thus, the consuming public has come to associate the
14 MILANI Mark with cosmetics of high quality. As a consequence of all of the
15 foregoing, the MILANI Mark has attained considerable value and the goodwill
16 associated with it represents a valuable business asset.

17
18 **DEFENDANTS’ INFRINGING ACTIVITIES**

19 13. Defendant JT Bella is the listed applicant of the term MILANIA
20 HAIR CARE, subject of U.S. Trademark Application No. 85/536,265 (the “‘265
21 application”). The ‘265 application specifically disclaims the word “HAIR
22 CARE.” The application was published for opposition on November 20, 2012. A
23 true and correct copy of the application is attached as Exhibit “B” hereto. The
24 MILANIA HAIR CARE application, was filed on February 7, 2012 under a 1B
25 status, Intent to Use. Plaintiff has requested an extension of time to oppose this
26 application and intends to file a notice of opposition.

27 14. Even though Defendants’ trademark application is filed as “Intent to
28 Use” New Milani is informed and believes, and based thereon it alleges that the

Defendants are offering to provide, and are providing, in the United States and in this judicial district, goods that are closely related to New Milani's goods, and that the Defendants are using words and symbols in connection with those goods that are confusingly similar to the MILANI Mark. Specifically, the Defendants' goods consist of beauty products, including hair care and styling products.

15. The Defendants' goods are offered and sold under the MILANIA name. A true and correct copy of a screenshot taken from the Defendants' internet website is attached as Exhibit "C".

16. The sale and distribution by Defendants of beauty products under the MILANIA name is likely to cause confusion with beauty products sold by Plaintiff under the MILANI Mark.

FIRST CLAIM FOR RELIEF

(Against All Defendants for Trademark Infringement, 15 U.S.C. § 1114(1))

17. New Milani incorporates, repeats and realleges paragraphs 1 through 21 above, as if set forth fully herein.

18. The MILANI Mark is owned by New Milani and New Milani has continuously used that mark in commerce since at least as early as September 2004. New Milani has never authorized nor consented to the Defendants' use of any term which is the same as, is confusingly similar to, or constitutes a colorable imitation of, the MILANI Mark in commerce in connection with their products or services.

19. Defendants' actions, as alleged above, are likely to cause confusion, mistake or deception in violation of Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1).

20. New Milani is informed and it believes and, based thereon it alleges that the Defendants' acts have been undertaken with full knowledge of New Milani's rights in and to the MILANI Mark and with the willful and deliberate

1 intent to cause confusion, mistake and deception among members of the relevant
2 public and to trade on the goodwill associated with the MILANI Mark.

3 21. By reason of Defendants' acts, as alleged herein, New Milani has
4 suffered damage to its business, reputation and goodwill and Defendants have
5 made profits and sales they would not have made but for Defendants' conduct.

6 22. Defendants' acts have caused and will continue to cause irreparable
7 and immediate injury to New Milani for which New Milani has no adequate
8 remedy at law. Unless Defendants are restrained by this Court from continuing
9 their unauthorized use of words and symbols that are confusingly similar to the
10 MILANI Mark, these injuries will continue to occur.

11
12 **SECOND CLAIM FOR RELIEF**

13 **(Against All Defendants for False Designation Of Origin, 15 U.S.C. § 1125(a))**

14 23. New Milani incorporates, repeats and realleges paragraphs 1 through
15 21 above, as if set forth fully herein.

16 24. The MILANI Mark is owned by New Milani and New Milani has
17 continuously used it in commerce for many years. New Milani has never
18 authorized or consented to the Defendants' use of the MILANI Mark or of any
19 similar words or names in connection with their products or services.

20 25. Defendants' actions, as alleged above, are likely to cause confusion,
21 mistake or deception as to the affiliation, connection or association of the
22 Defendants with New Milani, or as to the origin, sponsorship or approval of
23 Defendants' products or services by New Milani in violation of Section 43(a) of
24 the Lanham Act, 15 U.S.C. § 1125(a).

25 26. New Milani is informed and it believes and, based thereon it alleges
26 that the Defendants' acts have been undertaken with full knowledge of New
27 Milani's rights in and to the MILANI Mark and with the willful and deliberate
28

1 intent to cause confusion, mistake and deception among members of the relevant
2 public and to trade on the goodwill associated with the mark.

3 27. By reason of Defendants' acts, as alleged herein, New Milani has
4 suffered damage to its business, reputation and goodwill and Defendants have
5 realized profits and sales they would not have made but for Defendants' conduct.

6 28. Defendants' acts have caused and will continue to cause irreparable
7 and immediate injury to New Milani for which New Milani has no adequate
8 remedy at law. Unless Defendants are restrained by this Court from continuing
9 their unauthorized use of words and symbols that are confusingly similar to the
10 MILANI Mark, these injuries will continue to occur.

11
12 **THIRD CLAIM FOR RELIEF**

13 **(Against All Defendants for Dilution by Blurring, 15 U.S.C. § 1125(c))**

14 29. New Milani incorporates, repeats and realleges paragraphs 1 through
15 21 above, as if set forth fully herein.

16 30. By reason of its extensive advertising and sales of goods under the
17 MILANI Mark, that mark has become famous within the meaning of Section 43(c)
18 of the Lanham Act, 15 U.S.C. § 1125(c).

19 31. The MILANI Mark is inherently distinctive or, in the alternative, has
20 acquired distinctiveness as a consequence of the long period of use by New Milani,
21 which has been exclusive, and New Milani's extensive marketing and sales of
22 goods under it.

23 32. The Defendants commenced use in commerce of MILANIA after
24 New Milani adopted and began using the MILANI Mark and after the mark had
25 become famous.

26 33. Taking into consideration (i) the high degree of similarity between the
27 Defendants' MILANIA term and New Milani's MILANI Mark, (ii) the high
28 degree of distinctiveness of the MILANI Mark, (iii) the fact that New Milani

1 and/or its predecessor has been making exclusive use of the MILANI Mark in
2 connection with cosmetics for at least 19 years, (iv) the degree of consumer
3 recognition of the MILANI Mark as a consequence of New Milani's extensive use
4 and promotion of those mark over many years, and (v) the association in the minds
5 of consumers between New Milani's MILANI Mark and the MILANIA term, the
6 Defendants' use of the MILANIA term has caused or, in the alternative, is likely to
7 cause dilution of the MILANI Mark.

8 34. As a consequence of the foregoing, New Milani is entitled to an
9 injunction against the Defendants' continued use of MILANIA.

10
11 **FOURTH CLAIM FOR RELIEF**

12 **(Against All Defendants for State Injury to Business Reputation and Dilution,**
13 **Cal. Bus. & Prof. Code § 14247)**

14 35. New Milani incorporates, repeats and realleges paragraphs 1 through
15 21 above, as if set forth fully herein.

16 36. By reason of its extensive advertising and sales of goods under the
17 MILANI Mark, the mark has become famous within the meaning of Section
18 14247(a) of the California Business and Professions code.

19 37. The MILANI Mark is inherently distinctive or, in the alternative, has
20 acquired distinctiveness as a consequence of the long period of use by New Milani,
21 which has been exclusive, and New Milani's extensive marketing and sales of
22 goods under it.

23 38. The Defendants commenced use in commerce of their MILANIA
24 name after New Milani adopted and began using the MILANI Mark and after the
25 mark had become famous.

26 39. Taking into consideration (i) the high degree of similarity between the
27 Defendants' MILANIA name and New Milani's MILANI Mark, (ii) the high
28 degree of distinctiveness of the MILANI Mark, (iii) the fact that New Milani has

1 been making exclusive use of the MILANI Mark in connection with cosmetics for
2 at least 19 years, (iv) the degree of consumer recognition of the MILANI Mark as a
3 consequence of New Milani's extensive use and promotion of the MILANI Mark,
4 and (v) the association in the minds of consumers between New Milani's MILANI
5 Mark and the MILANIA name, the Defendants' use of the MILANIA name has
6 caused or, in the alternative, is likely to cause dilution of the MILANI Mark.

7 40. As a consequence of the foregoing, New Milani is entitled to an
8 injunction against the Defendants' continued use of MILANIA.

9
10 **FIFTH CLAIM FOR RELIEF**

11 **(Against All Defendants for Common Law Trademark Infringement)**

12 41. New Milani repeats and re-alleges paragraphs 1 through 21 and 29
13 through 33, as though fully set forth in this paragraph.

14 42. By reason of Defendants' acts, as alleged herein, New Milani has
15 suffered damage to its business, reputation and goodwill and Defendants have
16 realized profits and sales they would not have made but for Defendants' conduct.

17 43. The above-described acts of Defendants constitute common law
18 trademark and trade name infringement. Such acts have caused and will continue
19 to cause irreparable and immediate injury to New Milani for which New Milani
20 has no adequate remedy at law. Unless Defendants are restrained by this Court
21 from continuing the acts alleged herein, these injuries will continue to occur.

22 44. On information and belief, the foregoing acts of the Defendants are
23 oppressive, fraudulent, willful and malicious in that they have been undertaken
24 with a conscious disregard of New Milani's rights and with a desire to injure New
25 Milani's business and to improve their own.

1 **SIXTH CLAIM FOR RELIEF**

2 **(Against All Defendants for Unfair Competition,**
3 **Cal. Bus. & Prof. Code § 17200)**

4 45. New Milani repeats and re-alleges paragraphs 1 through 21, 23
5 through 27 and 29 through 33, as though fully set forth in this paragraph.

6 46. The above-described acts of Defendants constitute unfair competition
7 within the meaning of California Business and Professions Code Section 17200.
8 Such acts have caused and will continue to cause irreparable and immediate injury
9 to New Milani for which New Milani has no adequate remedy at law. Unless
10 Defendants are restrained by this Court from continuing the acts alleged herein,
11 these injuries will continue to occur.

12
13 **SEVENTH CLAIM FOR RELIEF**

14 **(Against All Defendants for Common Law Unfair Competition)**

15 47. New Milani repeats and re-alleges paragraphs 1 through 21, 23
16 through 27 and 29 through 33, as though fully set forth in this paragraph.

17 48. By reason of Defendants' acts, as alleged herein, New Milani has
18 suffered damage to its business, reputation and goodwill and the loss of profits and
19 sales it would have made but for Defendants' conduct.

20 49. The above-described acts of Defendants constitute common law unfair
21 competition in that Defendants are attempting to pass off its goods and services as
22 those of New Milani. Such acts have caused and will continue to cause irreparable
23 and immediate injury to New Milani for which New Milani has no adequate
24 remedy at law. Unless Defendants are restrained by this Court from continuing the
25 acts alleged herein, these injuries will continue to occur.

26
27 **PRAYER FOR RELIEF**

28 WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

1 1. For an order permanently enjoining the Defendants, their officers,
2 agents, employees, and those acting in concert or conspiracy with them from:

3 a. Using any brand or designation that makes use of the term
4 MILANI or any permutation of that term, whether alone or in combination with
5 other words, characters or symbols in connection with the sale, offer for sale,
6 promotion or advertising of any products and/or services that are the same as, or
7 are related to, New Milani's goods;

8 b. Instructing or directing any third parties to prepare print
9 advertising, flyers, containers, labels or packaging bearing the term MILANI or
10 any permutation of that term, whether alone or in combination with other words,
11 characters or symbols for use in connection with the sale, offer for sale, promotion
12 or advertising of any products and/or services that are the same as, or are related to,
13 New Milani's goods;

14 c. Imitating, copying, making unauthorized use of, or otherwise
15 infringing, Plaintiff's rights in and to the MILANI mark;

16 2. For an order directing the Defendants to deliver up for destruction all
17 products, labels, boxes, signs, prints, packages, wrappers, and artwork in their
18 possession, or under their control, bearing or intended to bear the term MILANI or
19 any permutation of that term, whether alone or in combination with other words,
20 characters or symbols;

21 3. For an order pursuant to 15 U.S.C. § 1125(c)(1) permanently
22 enjoining Defendants and their officers, agents, employees, and all those acting in
23 concert or conspiracy with them from making use of the MILANIA name or any
24 other term that contains the term MILANI or any phonetic equivalent of that mark
25 in connection with the sale of hair and beauty products or cosmetics;

26 4. For a monetary award in favor of New Milani in an amount equal to
27 (i) New Milani's actual damages and (ii) to the extent not included in actual
28

1 damages, the Defendants' profits arising from the acts alleged above, such
2 damages and profits to be trebled under 15 U.S.C. § 1117(a);

3 5. For a finding that this is an exceptional case within the meaning of,
4 and for an award of attorneys' fees pursuant to, 15 U.S.C. § 1117(a);

5 6. For a finding that the Defendants' acts of infringement were willful
6 within the meaning of 15 U.S.C. § 1117(c)(2);

7 7. For an award of pre-judgment interest and post-judgment interest in
8 the maximum amount permitted by law;

9 8. For an award of costs under 15 U.S.C. § 1117(a), or as otherwise
10 provided by law;

11 and

12 9. For such other and further relief as the Court deems just and proper.
13

14 Dated: December 11, 2012

SHELDON MAK & ANDERSON PC

15
16 By: 

17 Jeffrey G. Sheldon

18 William D. Bowen

19 Attorneys for Plaintiff NEW MILANI
20 GROUP, INC.
21
22
23
24
25
26
27
28

1 **REQUEST FOR JURY TRIAL**

2 Plaintiff requests trial by jury on all issues so triable.

3
4 Dated: December 11, 2012

SHELDON MAK & ANDERSON PC

5
6 By: 

7 Jeffrey G. Sheldon

8 William D. Bowen

9 Attorneys for Plaintiff NEW MILANI
10 GROUP, INC.
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51 and 52

United States Patent and Trademark Office

Reg. No. 3,641,687

Registered June 23, 2009

TRADEMARK
PRINCIPAL REGISTER

MILANI

NEW MILANI GROUP, INC. (CALIFORNIA CORPORATION)

2111 E. 49TH STREET

LOS ANGELES, CA 90058

FOR: COSMETICS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 1-28-1993; IN COMMERCE 1-28-1993.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SEC. 2(F).

SER. NO. 77-132,168, FILED 3-15-2007.

MATTHEW MCDOWELL, EXAMINING ATTORNEY

EXHIBIT B

Generated on 2012-11-28T14:58:19 526-05:00

Generated on: This page was generated by TSDR on 2012-11-28 14:58:19 EST

Mark: MILANIA HAIR CARE

MILANIA HAIR CARE

US Serial Number:	85536265	Application Filing Date:	Feb. 07, 2012
Register:	Principal		
Mark Type:	Trademark		
Status:	Application has been published for opposition. The opposition period begins on the date of publication.		
Status Date:	Nov. 20, 2012		
Publication Date:	Nov. 20, 2012		

Mark Information

Mark Literal Elements:	MILANIA HAIR CARE
Standard Character Claim:	Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type:	4 - STANDARD CHARACTER MARK
Disclaimer:	"HAIR CARE"

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: HAIR CARE PRODUCTS, NAMELY, SHAMPOO, CONDITIONER, GEL, MOUSSE, HAIR SPRAY, STYLING PASTE, HAIR CREAMS, STYLING FOAM, HAIR BALMS, POMADES, HAIR TREATMENTS, AND HAIR

SERUMS

International Class: 003 - Primary Class

U.S Class: 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(b)

For: HAIR CARE PRODUCTS, NAMELY, BRUSHES AND COMBS

International Class: 021 - Primary Class

U.S Class: 002, 013, 023, 029, 030, 033,
040, 050

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use:	No	Currently Use:	No	Amended Use:	No
Filed ITU:	Yes	Currently ITU:	Yes	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

Current Owner(s) Information

Owner Name: J.T. BELLA LLC

100 Adams Blvd.
Owner Address: Farmingdale, NEW YORK 11735
UNITED STATES

Legal Entity Type: LIMITED LIABILITY
COMPANY

State or Country Where Organized: NEW YORK

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Thomas M. Galgano

Docket Number: 3087-20

Correspondent

Correspondent Name/Address: THOMAS M. GALGANO
GALGANO & ASSOCIATES, PLLC
20 W PARK AVE STE 204
LONG BEACH, NEW YORK 11561-2019
UNITED STATES

Phone: (516) 431-1177

Fax: (516) 431-1127

Correspondent e-mail: tmgalgano@rcn.com; jgbower@rcn.com **Correspondent e-mail Authorized:** No

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 20, 2012	PUBLISHED FOR OPPOSITION	
Oct. 31, 2012	NOTICE OF PUBLICATION	
Oct. 15, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	66121
Oct. 15, 2012	ASSIGNED TO LIE	66121
Oct. 01, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 27, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 27, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 27, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 10, 2012	NON-FINAL ACTION MAILED	
Sep. 07, 2012	NON-FINAL ACTION WRITTEN	76406
Jul. 31, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 31, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 31, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 29, 2012	NON-FINAL ACTION MAILED	
May 29, 2012	NON-FINAL ACTION WRITTEN	76406
May 16, 2012	ASSIGNED TO EXAMINER	76406
Feb. 13, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 10, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

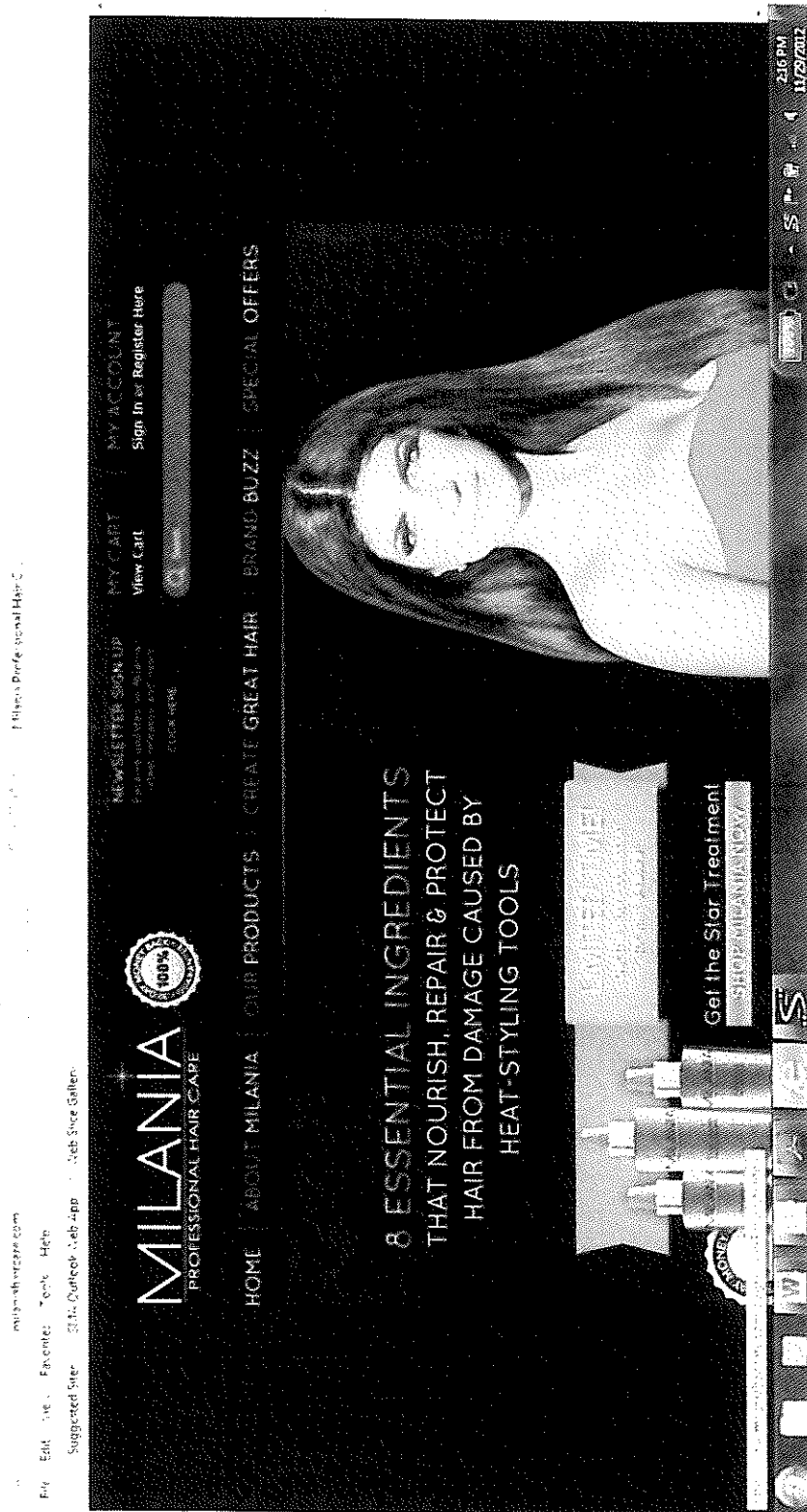
TM Staff Information

TM Attorney: CLYBURN, CARLA DIONNE **Law Office Assigned:** LAW OFFICE 110

File Location

Current Location: PUBLICATION AND ISSUE SECTION **Date in Location:** Oct. 15, 2012

EXHIBIT C



**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Margaret M. Morrow and the assigned discovery Magistrate Judge is Frederick F. Mumm.

The case number on all documents filed with the Court should read as follows:

CV12- 10612 MMM (FFM~~x~~)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Name & Address:

Jeffrey G. Sheldon (SBN 67516)
William D. Bowen (SBN 254398)
SHELDON MAK & ANDERSON PC
100 East Corson Street, Third Floor
Pasadena, California 91103-3842

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NEW MILANI GROUP, INC, a California corporation

CASE NUMBER

PLAINTIFF(S)

v.

J.T. BELLA, LLC, a New York limited liability
company, and DOES 1-10, Inclusive,

DEFENDANT(S).

CV12-10612-mmm(FFM)

SUMMONS

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Jeffery G. Sheldon, whose address is 100 Corson St, 3rd Floor, Los Angeles, CA 91103. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: DEC 11 2012

By: Marilyn Kim
Deputy Clerk

(Seal of the Court)

Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 30 days by Rule 12(a)(3)].

PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> NEW MILANI GROUP, INC, a California corporation		DEFENDANTS J.T. BELLA, LLC, a New York limited liability company, and DOES 1-10, Inclusive,																									
Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) SHELDON MAK & ANDERSON PC 100 East Corson Street, Third Floor Pasadena, California 91103-3842 Tele: 626.796.4000		Attorneys (If Known)																									
ASIS OF JURISDICTION (Place an X in one box only.) J.S. Government Plaintiff <input checked="" type="checkbox"/> Federal Question (U.S. Government Not a Party) J.S. Government Defendant <input type="checkbox"/> Diversity (Indicate Citizenship of Parties in Item III)		III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>			PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/>	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/>	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/>
	PTF	DEF		PTF	DEF																						
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/>																						
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/>																						
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/>																						
ORIGIN (Place an X in one box only.) Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge																											
REQUESTED IN COMPLAINT: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.)																											
CLASS ACTION under F.R.C.P. 23: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No MONEY DEMANDED IN COMPLAINT: \$																											
CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) 15 U.S.C. § 1114(i); 15 U.S.C. § 1125(a) and (c); and Cal. Bus. & Prof. Code §§ 14247 and 17200																											
NATURE OF SUIT (Place an X in one box only.) <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:15%; vertical-align: top;"> OTHER STATUTES State Reapportionment Antitrust Banks and Banking Commerce/ICC Rates/etc. Deportation Racketeer Influenced and Corrupt Organizations Consumer Credit Cable/Sat TV Selective Service Securities/Commodities/Exchange Customer Challenge 12 USC 3410 Other Statutory Actions Agricultural Act Economic Stabilization Act Environmental Matters Energy Allocation Act Freedom of Info. Act Appeal of Fee Determination Under Equal Access to Justice Constitutionality of State Statutes </td> <td style="width:15%; vertical-align: top;"> CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property </td> <td style="width:15%; vertical-align: top;"> TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions </td> <td style="width:15%; vertical-align: top;"> TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights </td> <td style="width:15%; vertical-align: top;"> PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FOREIGNER PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other </td> <td style="width:15%; vertical-align: top;"> LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark INTELLECTUAL PROPERTY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) (405(g)) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609 </td> </tr> </table>				OTHER STATUTES State Reapportionment Antitrust Banks and Banking Commerce/ICC Rates/etc. Deportation Racketeer Influenced and Corrupt Organizations Consumer Credit Cable/Sat TV Selective Service Securities/Commodities/Exchange Customer Challenge 12 USC 3410 Other Statutory Actions Agricultural Act Economic Stabilization Act Environmental Matters Energy Allocation Act Freedom of Info. Act Appeal of Fee Determination Under Equal Access to Justice Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FOREIGNER PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark INTELLECTUAL PROPERTY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) (405(g)) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609																		
OTHER STATUTES State Reapportionment Antitrust Banks and Banking Commerce/ICC Rates/etc. Deportation Racketeer Influenced and Corrupt Organizations Consumer Credit Cable/Sat TV Selective Service Securities/Commodities/Exchange Customer Challenge 12 USC 3410 Other Statutory Actions Agricultural Act Economic Stabilization Act Environmental Matters Energy Allocation Act Freedom of Info. Act Appeal of Fee Determination Under Equal Access to Justice Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FOREIGNER PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark INTELLECTUAL PROPERTY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) (405(g)) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609																						

OFFICE USE ONLY: Case Number:

CV12-10612

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	State of New York

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date 12/11/12

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))